

Charles L. Howard (admitted *pro hac vice*)
KEENAN COHEN & HOWARD P.C.
One Pitcairn Place
165 Township Line Rd.
Jenkintown, PA 19046
(215) 609-1110

*Attorneys for Defendant
Yang Ming Marine Transport Corporation*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SOMPO JAPAN INSURANCE COMPANY OF
AMERICA, and SOMPO JAPAN INSURANCE,
INC.

Plaintiffs,

- against -

YANG MING MARINE TRANSPORT
CORPORATION

Defendant.

NO.: 07 CIV. 11276

JUDGE CHIN

**NOTICE OF DEFENDANT'S
MOTION, PURSUANT TO FED. R.
CIV. 12(b)(3) and (6), TO DISMISS
COUNTS ONE, THREE, FOUR,
FIVE, SEVEN, EIGHT, NINE,
ELEVEN AND TWELVE OF
PLAINTIFFS' COMPLAINT**

PLEASE TAKE NOTICE THAT, pursuant to Fed. R. Civ. P. 12(b)(3) and (6),
Defendant Yang Ming Marine Transport Corporation will move this Court for an Order
dismissing Counts One, Three, Four, Five, Seven, Eight, Nine, Eleven and Twelve of Plaintiffs'
Complaint for the reasons set forth in the accompanying Memorandum of Law.

Respectfully submitted,

KEENAN COHEN & HOWARD P.C.

By: /s/ Charles L. Howard
Charles L. Howard
One Pitcairn Place, Suite 2400
165 Township Line Road
Jenkintown, PA 19046
Telephone: (215) 609-1110
Facsimile: (215) 609-1117

Attorneys for Defendant
Yang Ming Marine Transport Corporation

Dated: February 25, 2008

CERTIFICATE OF SERVICE

I, the undersigned counsel, hereby certify that on February 25, 2008, a true and correct copy of the foregoing Notice of Defendant's Motion, Pursuant to Fed. R. Civ. 12(b)(3) and (6), to Dismiss Counts One, Three, Four, Five, Seven, Eight, Nine, Eleven and Twelve of Plaintiffs' Complaint was filed electronically. Notice of this filing will be sent to the following party, listed below, by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

David T. Maloff, Esquire
Thomas M. Eagan, Esquire
MALOFF BROWNE & EAGAN LLC
411 Theodore Fremd Avenue, Suite 190
Rye, New York 10580-1411

Attorneys for Plaintiffs

By: /s/ Charles L. Howard
Charles L. Howard